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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fifth session

SUMMARY RECORD OF THE 1064th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 August 1994, at 3 p.m.

Chairman: Mr. GARVALOV

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The meeting was called to order at 3.20 p.m.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (agenda item 6) (continued)

Draft decision on racist acts of terrorism

1. The CHAIRMAN said that the Committee would continue its consideration of the draft decision on racist acts of terrorism initiated at its 1063rd meeting, the general purport of which was acceptable to the members of the Committee. Nevertheless, a number of suggestions had been made concerning certain paragraphs. The members of the Committee had before them the following document without a symbol, distributed at the meeting in English only:

DRAFT DECISION ON RACIST ACTS OF TERRORISM
(coordinated by Mr. Lechuga Hevia)

1. The Committee expresses its grave concern at terrorist acts occurring in a number of countries around the world victimizing certain racial, ethnic or national groups.

2. The Committee condemns, in particular, the barbarous terrorist attacks against a Jewish organization that took place in Buenos Aires, Argentina on 18 July and in London, United Kingdom, on 26 and 27 July 1994 that resulted in almost 100 deaths and numerous injuries.

3. The Committee supports the call for an immediate halt to all forms of terrorist attacks, and stresses the necessity of strengthening international cooperation in order to adopt effective measures with a view to avoiding, combating and eliminating racist terrorist attacks against the international community as a whole.

[4. The Committee invites the Governments of Argentina and the United Kingdom to provide it with any pertinent information which could help clarify these incidents.]

The Chairman said that the Committee would consider the draft decision paragraph by paragraph.

Paragraph 1

2. Paragraph 1 was adopted.

Paragraph 2

3. Mr. SHERIFIS proposed that, in the last line, the words "almost 100" should be replaced by the words "about 100", since he had read in the press that slightly more than 100 persons had died.

4. Paragraph 2, as amended, was adopted.

Paragraph 3

5. Mr. RECHETOV recalled that all the members of the Committee had agreed to replace, in the second line, the words "all terrorist attacks" by the words "all forms of terrorism". In addition, he proposed that, in the first line, the phrase "supports the call for an immediate halt to" be replaced by the verb "condemns". Lastly, he proposed that, in the fourth line, the verb "avoiding" should be replaced by the verb "preventing", that the verb "combating" should be retained and that the following verb "eliminating" should be deleted, since it would be much more accurate to state that racist acts of terrorism had to be "prevented and combated".

6. Mr. ABOUL-NASR supported the two amendments proposed by Mr. Rechetov. He also proposed that, at the end of the paragraph, the phrase "against the international community as a whole" should be deleted.

7. Mr. RECHETOV said that, since the wording "all forms of terrorism" was being adopted in the second line, the reference to the international community was justified. He proposed that only the words "as a whole" should be deleted at the end of the paragraph.

8. Mr. SHAHI pointed out that the term "international community" usually meant the community of States. He could, however, accept a reference to the international community if Mr. Rechetov's proposal that the words "all terrorist attacks" in the second line be replaced by the words "all forms of terrorism" was accepted.

9. The CHAIRMAN read out a wording of paragraph 3 incorporating the proposed amendments, which appeared to meet with the approval of all members of the Committee.

> "The Committee condemns all forms of terrorism and stresses the necessity of strengthening international cooperation in order to adopt effective measures with a view to preventing and combating racist terrorist attacks against the international community."

10. Paragraph 3, as amended, was adopted.

Paragraph 4

11. Mr. BANTON read out a proposed alternative text for paragraph 4. In that new paragraph 4, the Committee, noting that Argentina was very much behind with the submission of its periodic report, would request it to submit the report without delay and to include in it information on the measures taken to give effect to its obligations under article 2, paragraph 1 (d) and article 5, paragraph (b) of the Convention, which were more directly relevant in the light of the racist attacks committed. In a much shorter paragraph 5, the Committee could request the United Kingdom to supply the same information in its next report.

12. After an exchange of views in which Mr. ABOUL-NASR, Mr. WOLFRUM, Mr. YUTZIS, Mr. SHAHI and Mr. RECHETOV took part, the amendments proposed by Mr. Banton were rejected.

13. Mr. DIACONU proposed that the Committee should adopt the three paragraphs which all members of the Committee were ready to accept and delete the fourth paragraph.

14. Mr. WOLFRUM said that he could not accept Mr. Diaconu's proposal. The Convention imposed an obligation upon States parties to provide protection against racist attacks such as those dealt with in the draft decision, and the Committee's role was to monitor the implementation of the Convention. It could not, therefore, be content with "condemning"; it must ask what steps had been taken to protect the communities subjected to the attacks and whether the perpetrators had been prosecuted.

15. Mr. van BOVEN said he fully supported what Mr. Wolfrum had just said. A fourth paragraph was necessary. He would be able to accept the fourth paragraph that appeared in square brackets in the draft decision, to which would be added the words "in their next periodic reports".

16. The CHAIRMAN said he agreed with Mr. van Boven. In paragraph 4, it would be necessary to ask the two Governments concerned what steps they had taken and to state that the information requested should be supplied before the Committee's next session in March 1995.

17. Mr. ABOUL-NASR said that the word "incidents" at the end of paragraph 4 was much too weak to describe the crimes that had been committed.

18. Mr. DIACONU said he insisted that the two Governments should be requested to supply information not on the events themselves, which were fairly clear, but on the steps they had taken in accordance with their obligation under the Convention.

19. Mr. BANTON read out a wording which took account of the comments made by the previous speakers:

> "4. The Committee invites the Governments of Argentina and the United Kingdom to expedite their periodic reports and provide pertinent information on the measures they have undertaken in fulfilment of the Convention".

20. Mr. WOLFRUM said that he could accept that wording provided a reference to the recent terrorist acts was added.

21. Mr. BANTON read out a new proposal for paragraph 4:

> "The Committee invites the Governments of Argentina and United Kingdom to expedite their periodic reports and provide pertinent information on the measures they have undertaken in respect of the attacks mentioned in paragraph 2 above".

22. Mr. DIACONU said that it was not enough to request pertinent information concerning the measures undertaken in respect of the attacks mentioned in paragraph 2. The words "in fulfilment of the Convention" would also have to be included.

23. Mr. YUTZIS proposed that, in order to ensure that the paragraph was balanced, the Committee should request information concerning the attacks themselves and information concerning the pertinent measures taken in fulfilment of the Convention.

24. Mr. ABOUL-NASR said he hoped that the Committee would limit the scope of the information requested of the two States parties. If expansion started, there would be no reason to stop.

25. Mr. BANTON proposed an amendment that took account of the observations made by both Mr. Yutzis and Mr. Aboul-Nasr: "... measures they have undertaken in respect of attacks such as those mentioned in paragraph 2 above, in fulfilment of the Convention."

26. The CHAIRMAN said that the words "measures they have undertaken in fulfilment of the Convention" would suffice to include the measures relating to the racist terrorist acts, since the States were being asked for "pertinent" information.

27. Mr. van BOVEN said that it was important to establish a link between paragraph 4 and the other paragraphs. He proposed, as a compromise, that the words "In the light of the above ..." should be added at the beginning of paragraph 4, the rest of the text taking up the latest wording proposed by the Chairman.

28. Mr. FERRERO COSTA supported Mr. van Boven's proposal. Such a wording for paragraph 4 seemed to him to be a balanced one.

29. The CHAIRMAN read out the final wording of paragraph 4:

> "In the light of the above, the Committee invites the Governments of Argentina and United Kingdom to expedite their periodic reports and provide pertinent information on the measures they have undertaken in fulfilment of the Convention".

30. If there was no objection, he would take it that the Committee wished to adopt paragraph 4 in that wording.

31. Paragraph 4, in that wording, was adopted.

32. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to adopt the draft decision on racist acts of terrorism.

33. The draft decision was adopted.

Draft decision on the situation in Mexico

34. The CHAIRMAN invited the members of the Committee to consider the draft decision on the situation in Mexico, the text of which had been distributed during the meeting, without a symbol and in English only. He asked Mr. Ahmadu, coordinator of the text, to introduce it.

35. Mr. AHMADU said that he had not held any consultations regarding the text and was not absolutely certain, all things considered, that the draft decision was really relevant. The Committee was certainly entitled to request further information under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, but the case of Mexico did not seem to come under the early warning and urgent procedures. It was thus preferable to avoid setting precedents and to act in such a way that the Committee did not transform itself into a "fire brigade". Consequently, he wished to modify his own text, first by placing between square brackets the end of the first sentence in the second paragraph ("particularly the provisions of articles 2 and 5") and then by rewording the last sentence of the second paragraph to read: "This information should be submitted and included in the next periodic report of Mexico by 31 January 1995 to enable the Committee to discuss the matter at its March 1995 session."

36. A special request for further information would imply that catastrophic events had taken place in the country, which did not seem to be the case in Mexico. It was therefore better that the information should be supplied in the context of Mexico's periodic report. He proposed that, instead of the Committee adopting a draft decision, the Chairman should, on its behalf, write a letter requesting Mexico to include the further information that it wished to obtain in Mexico's next periodic report.

37. Mr. FERRERO COSTA said that he was not clear what particular problem the draft decision referred to.

38. The CHAIRMAN explained that the draft decision on the situation in Mexico before the Committee had been proposed by the Committee's officers. It was up to all the members of the Committee to coordinate their thoughts on the subject and to decide on the advisability of a draft decision and on the method to be used in considering the various situations occurring in the country in question.

39. Mr. LECHUGA HEVIA said that the draft decision was inopportune because the problem mentioned related to the insurrection in Chiapas of the Zapatista National Liberation Army, a guerrilla group that had clashed with the army and was continuing to occupy part of the mountains. The problem in question had thus nothing to do with racial discrimination or with the international Convention on the Elimination of All Forms of Racial Discrimination. The insurgents' demands (a rejection of neo-liberal policies, a refusal to accept the free-trade treaty, mass participation in the presidential elections of 21 August, civil resistance in the case of electoral fraud, a reform of the judicial system, a new constitution, a transitional government, the expropriation of the ruling Institutional Revolutionary Party (PRI) and so forth) were not within the Committee's competence. The question of the right of indigenous populations to self-determination was a political one. Moreover, it was advisable to await the results of the presidential elections and the measures to be taken by the Zapatistas and the Mexican Government before asking the State party to respect the provisions of the Convention, to the extent that there had been any violation of its provisions. He therefore considered that the Committee was not empowered to express an opinion on the matter or to adopt the draft decision, since the problem under consideration was an internal political problem of Mexico.

40. Mr. VALENCIA RODRIGUEZ said that it would have been preferable to have held a discussion on the situation in Mexico a few months earlier, when the insurrection in Chiapas had broken out. He did not understand why the Committee had remained silent on that event, which had been debated in the media. While it was "better late than never", negotiations were currently under way between representatives of the Mexican Government and the delegates of the indigenous communities. Furthermore, as Mr. Lechuga Hevia had pointed out, the problem was a political one having nothing to do with racial discrimination. The adoption of the draft decision by the Committee might have immediate repercussions on the presidential elections of 21 August. He would therefore oppose it and would refrain from participating in any vote or discussion on the subject.

41. The CHAIRMAN said that the Committee was currently considering a draft decision on the situation in Mexico, but that it was in no way bound to adopt it.

42. Mr. ABOUL-NASR said that he had never been in favour of the adoption of draft decisions and the current debate confirmed him in that position. He was, nevertheless, very concerned about the events in Chiapas and considered that the Committee should not remain silent on important matters within its competence but should, on the contrary, learn from experience and act more promptly and in a different way in situations of that kind. The best solution would be for the Committee to make contact with the State party as soon as possible and to notify it of its concern and of its intention to prepare a draft decision. A discussion could then be held in the Committee. As things stood, he, like Mr. Valencia Rodríguez, was opposed to the draft decision. In his opinion, it might be more appropriate to set a date, in agreement with the State party, for a discussion of the situation in the presence of one of the State party's representatives.

43. Mr. WOLFRUM said that, since he had the impression that he was the only member of the Committee still in favour of adopting a formal decision, he wished to explain his position. The situation that the Committee was considering seemed to have an ethnic or racial basis, even if, as Mr. Lechuga Hevia had pointed out, it undoubtedly had political, social and economic aspects. The Indians of Chiapas were a population group that apparently lived in the most underprivileged area of Mexico. Article 2 of the Convention not only prohibited States parties from intentionally promoting racial discrimination but also imposed upon them an obligation to put an end to de facto discrimination. Consequently, if the population of Chiapas lived in an underdeveloped area, the Mexican Government was bound to adopt measures in its favour, as provided for in article 2, paragraph 1 (c), and especially in paragraph 2. The fact that political considerations were involved did not entitle the Committee to relinquish its responsibilities: the events in Burundi and Rwanda also had important political aspects. All the situations of which the Committee had to take cognizance inevitably involved political, social and economic elements, but that was no reason for it to close its eyes to them.

44. Several speakers had very rightly pointed out that the question should have been discussed before the draft decision was drawn up. The Committee should draw lessons from that experience for the future, and he was the first

to admit that he should himself have proposed such a procedure. It was also true that it would have been preferable to have had the periodic report, which should have been submitted in 1992. The Committee had, however, frequently been required to deal with problems without having a report before it; very often problems requiring its intervention arose precisely in the territories of States parties which had not submitted a report, and on many occasions the Committee had decided to request further information from States which had not reported to it.

45. Mr. Valencia Rodríguez had mentioned that the Mexican Government had recently taken steps to resolve the problems arising in the State of Chiapas: it was precisely for the purpose of ascertaining the content of those measures that the Committee should request further information. It had been stated that the Chiapas issue was different in kind from other issues on which the Committee had recently found it necessary to adopt decisions. He was not of that opinion: he failed to see what was so different between the fate of the inhabitants of Chiapas and that of the inhabitants of Bougainville, on which the Committee had recently taken a decision. Both cases involved a population group living in a particularly underdeveloped area. He would not insist that a decision be taken if the Committee was opposed to doing so, but he wished to stress that the Committee had concerned itself with the fate of indigenous peoples for a few years only and that it ought to make every effort to carry out such a particularly important mission scrupulously. If other countries were involved - if it were a matter of Indians in Canada, for example - the Committee would not hesitate to intervene. He had heard no convincing argument so far against the idea of requesting information from the State party; it was necessary to find out why a population group which there was every reason to believe to be peaceful had risen up, and the Committee should not miss such an occasion to act in accordance with its mandate.

46. Mr. van BOVEN said that, while he fully understood Mr. Wolfrum's concerns, he was inclined to support Mr. Aboul-Nasr's proposal. While there was every reason to think that ethnic problems, in particular, were behind the Chiapas revolt, the Committee must ensure that the present procedure was applied uniformly, and it had hitherto made it a rule to intervene only when a situation was urgent and on the basis of recent information without, of course, merely echoing the media. The Chiapas uprising had begun almost a year previously, and to adopt the draft decision after such a delay would not be in keeping with established practice. The Committee had, however, a duty to show that it was by no means insensitive to the problem, and it must therefore take some action. In that regard, Mr. Aboul-Nasr's proposal seemed to be well-advised: the Committee should instruct its Chairman to send a letter to the Mexican authorities reminding them that a periodic report was expected and stating that the Committee wanted the Chiapas events to be dealt with in it, appending the summary records of the meetings which the Committee had devoted to the question. The Mexican Government would thus be aware that the Committee was concerned about the problem and of the response expected from it.

47. Mr. SONG Shuahua said that he had listened with the greatest attention and interest to the different speakers who had expressed their opinions on the problem, concerning which he was himself insufficiently informed.
Mr. Aboul-Nasr had rightly pointed out that the Committee must take care not

to adopt decisions without having a sufficiently thorough knowledge of the problems involved. The matter was an extremely complex one and had very broad implications, particularly at the political level. The Committee must act with prudence by, first of all, requesting the Mexican Government to supply information on the situation and on the steps it had taken; when it knew more about the situation, the Committee would be able to decide in favour of one solution or another.

48. Mr. RECHETOV said that all the views expressed so far were perfectly defensible: Mr. Ahmadu had been right to raise such an important human rights question; the Latin American members of the Committee had provided very important information of such a kind as to shed new light on the problem; Mr. Aboul-Nasr had shown some absolutely necessary prudence and wisdom, while Mr. Wolfrum was rightly concerned that the Committee might neglect certain situations that deserved its attention. In those circumstances, he himself was tempted to support the solution proposed by Mr. van Boven, who recommended that the Committee should act, but only when it had solid evidence that its intervention was needed. To take a decision at the outset to request further information without having had prior recourse to the ordinary procedure for the consideration of periodic reports might lead to a blind alley if the Committee received no reply.

49. Mr. AHMADU said that the discussion should lead to a tangible result and that the matter should not be merely set aside. He supported the idea of sending a letter to the State party and considered that, in future, no draft decision ought to be submitted to the Committee without prior discussion. It had just been ascertained that members of the Committee from the region in question could provide it with valuable information that was likely to cause it to modify its views.

50. The question as to whether a problem was recent or not did not appear to be decisive: a situation that worried the Committee could be taken up at any time. In the case in point, nobody had accused Mexico of violating articles 2 or 5 of the Convention; it was simply a matter of requesting further information under article 9, which the Committee was empowered to do whenever it considered that a situation so required. In conclusion, he could accept the idea of sending a letter to the State party requesting it to supply the desired information in the periodic report, which it should submit as soon as possible.

51. Mr. LECHUGA HEVIA said he noted that, according to several speakers, the Chiapas problem involved a racial-discrimination element. It was true that, wherever indigenous peoples were to be found, whether the country was a developed or a developing one, there were underlying discriminatory practices. The ethnic problem in Chiapas, which in fact existed, had its roots in the distant past, since it went back to the arrival of the Spaniards. Nevertheless, the uprising which had taken place in that area had, according to the persons concerned, reasons which were not ethnic in nature. Their claims related to the internal politics of the Mexican State, and the Committee should not interfere in such matters, which were not within its competence.

52. Mr. DIACONU said that the Committee should not take a formal decision, such as the one envisaged, when it needed further information. Decisions of that type should be taken when the Committee had to express its opinion on a matter of principle, such as the establishment of an international court, or when it had to express its views on acts of terrorism or on a specific situation in respect of which it had sufficient information available to it. In the current case it was insufficiently informed, and the dispatch of a carefully worded letter along the lines suggested was the best solution.

53. Mr. ABOUL-NASR said he agreed with what Mr. Diaconu had just said. It was not a question of setting the problem aside, but of finding the most appropriate procedure. In that connection, he would like to refer to the statement made by Mr. Wolfrum, who had likened the situation in Chiapas to that in Bougainville: the two situations could in no way be compared, for a number of reasons. First, Papua New Guinea was on the Committee's agenda, whereas Mexico was not. Secondly, in the first case the Committee had had before it information communicated by its Rapporteur, whereas in the current case it had no information. Moreover, Papua New Guinea knew that the question was to be considered by the Committee and had chosen not to send any representative, whereas Mexico had not been notified of the discussion currently taking place. Lastly, the situation in Bougainville had been discussed before a text was drafted, which was not currently the case. He therefore reiterated his proposal that the State party should be asked for information: in that way, the Committee would be demonstrating its interest in the matter, and would be able to obtain information and find out what view the State party took of the matter. If the latter did not reply, it would be time to adopt another course of action, for instance the appointment of a special rapporteur.

54. Mr. SHAHI said he, too, believed that the Committee did not have enough information to take a formal decision. It was true that the press had reported the grievances and claims of the indigenous people of Chiapas, grievances which had also been referred to by Mr. Lechuga Hevia, but the Committee could not be sure that it was aware of all aspects of the problem. Moreover, it had been reported that the Mexican Government was making considerable efforts to meet the demands of the Chiapas Indians. If some of the claims being made concerned matters of overall policy, such as the signing of treaties by the Government, the Committee should refrain from stating whether or not it thought them well-founded. Furthermore, it ought not to take sides systematically with any group opposed to a Government. In most countries with a heterogeneous population, there was inevitably some discontent in one region or another which was less favoured than the rest; that was part of democratic life. In any event, the Committee needed additional information, and needed to know whether the Government had in fact taken measures to benefit the inhabitants of Chiapas, in accordance with the spirit of article 2 of the Convention, which had been referred to by Mr. Wolfrum.

55. There had been several versions of the draft decision submitted by Mr. Ahmadu. In his own view, the first was perhaps the most acceptable. The current revised version, whereby the Committee would make known its concerns with regard to an ethnic conflict in Mexico, seemed premature. The Committee should know more about the conflict in question and should find out the views

of the State party. Mr. Aboul-Nasr had proposed sending a letter to the State party to request additional information, and Mr. van Boven had elaborated on the suggestion. That solution appeared sufficient, and would probably be the one best suited to the current situation. In conclusion, he stressed that there could be no comparison between Chiapas and Rwanda and Burundi. It was true that there had been conflicts in Mexico, and perhaps cases of negligence or even of clear discrimination, but there was nothing that could be described as a threat of genocide or a crime against humanity. The Committee should take account of the particular circumstances in each case and, in the matter under discussion, it could not express the same concerns as in respect of Rwanda and Burundi.

56. Mr. YUTZIS said that the Committee, which was close to agreement concerning the draft decision, seemed to be moving towards a consensus in favour of a letter. The discussion had shown that it had still to decide how it was to obtain the information it needed to hold a proper discussion on the draft decision. On the basis of its existing knowledge of the matter, the Committee could certainly not approve the text submitted to it, but there was nothing to prevent it requesting information by letter.

57. Mr. WOLFRUM said that, although the discussion had not succeeded in reaching a decision for lack of information, it had nevertheless been of interest because it raised a fundamental question, namely, how the expression "racial discrimination", as defined in article 1 of the Convention, should be understood. It would seem that everyone had a slightly different interpretation of that concept, and it would be extremely useful to go into those interpretations at leisure. For his part, he was not prepared to express his concern - as proposed in paragraph 1 of the draft decision - before knowing what was really happening. The Committee was trapped in a vicious circle in that, on the one hand, it was reluctant to press Mexico for additional information and, on the other, it wanted to have available all the information it needed before taking action. All the Committee could hope was that Mexico would provide that information but, if it did not, the matter would have to be left on the agenda for the next session, and an expert would have to be given the task of preparing a special report on the situation in Mexico. It was evident that the disturbances taking place in Chiapas were in fact of concern to the Committee and that, even if it wished to proceed with caution, it should not ignore them.

58. Mr. CHIGOVERA said it was clear from the discussion that the members of the Committee were not in agreement on the criteria to be used in defining a situation as coming under the early warning and urgent procedures. Unlike Mr. Ahmadu, he considered that the Committee was indeed a fire brigade which could, by means of the early warning and urgent procedures, prevent a fire or stop a fire from spreading once it had broken out. It had to define what was to be considered as an emergency situation and to specify what information it needed to decide whether intervention on its part was warranted.

59. Mr. FERRERO COSTA pointed out, with reference to the suggestion made by Mr. Wolfrum, that the question of the disturbances in Mexico had never been on the Committee's agenda and thus could not be kept on it. In addition, the case in question was not one where emergency intervention was called for, such as in Rwanda, Burundi, or Bosnia and Herzogovina.

60. The CHAIRMAN, speaking in his capacity as expert, said he, too, believed that the situation in Mexico came within the Committee's remit but considered that it would have been better to begin by discussing the matter, and then see whether there was need to take a decision, rather than the other way round. All the experts who had spoken had put forward valid arguments. Some had argued that the problem in Chiapas was political in nature and that it was not for the Committee to find a solution to it. That was perhaps the case at the time the current session was being held, but he did not know of any revolution that had broken out without being preceded by a period of unrest, or of any conflicts which had been purely political from the very outset. It was true, as Mr. Shahi had said, that every case was a case apart, but if one considered the case of Bosnia and Herzogovina, which was on the Committee's agenda, or the case of Kosovo, where the Albanians were demanding self-determination or independence, it would be seen that conflicts which had become political in nature had had their source in ethnic conflicts and active racial discrimination; neither Mr. Lechuga Hevia nor Mr. Chigovera could deny that. That was why it would seem to him lacking in seriousness for the Committee to ignore the situation in Chiapas.

61. As he saw it, the sending of a Chairman's letter requesting Mexico to expedite the process of submitting its report was a solution which might be envisaged but, in view of the fact that it was a matter of some delicacy, he thought it preferable for the text of the letter to be submitted to the members of the Committee, so that they could all take a hand in drafting the final version.

62. Mr. LECHUGA HEVIA said he agreed with Mr. Ferrero Costa concerning the inclusion of items in the Committee's agenda. If the situation in Chiapas was to be added, there was no reason why the situation of indigenous peoples in Canada, or that of Gypsies in Spain, should not also be included.

63. Mr. YUTZIS endorsed that view; if the Committee should decide to include a multiplicity of questions in its agenda, it would have to re-think its methods of work.

64. Mr. DIACONU said the Committee was trying to find a solution to a non-existent problem because, if it was asking Mexico to submit a report by March or August 1995, it was obvious that the question of that report would be on its agenda and that, even if Mexico did not reply, the Committee would be considering the question.

65. Mr. FERRERO COSTA said he wished to emphasize that he was far from indifferent to the fate of the indigenous population of Mexico. He merely thought that the Committee should wait to discuss that question until it was in possession of the report that Mexico ought to submit to its March 1995 session.

66. The CHAIRMAN explained that, if the Committee wished to ask him to send a letter requesting information on the case of Chiapas, that would mean that it would continue to have the matter before it at its later sessions, whether or not that information had been provided. If the Committee did not desire the problem to remain on its agenda, it would have to decide not to raise it again until it had received Mexico's next periodic report.

67. Mr. ABOUL-NASR proposed that, in order to gain time, the Committee should wait until it was in possession of the draft letter before continuing the discussion; in any event, its rules of procedure permitted it to decide on the final version of its agenda when it came to consider that agenda in provisional form. The sending of a letter accompanied by the relevant summary record seemed to him a good solution.

68. Mr. RECHETOV said he was concerned to hear that the decision to send a letter on a certain question automatically resulted in that question being kept on the agenda. As he saw it, inclusion of a question in the agenda was a step of far greater consequence than sending a letter. In the past, for instance, the Committee had sent letters to the successor States of the former Soviet Union, but that had not resulted in any particular item being included in its agenda.

69. The CHAIRMAN reminded the Committee that it would have ample time to make the situation in Chiapas a separate item on its agenda when it came to the adoption of that agenda. In any event, by sending a letter to the Mexican Government, it was committing itself to taking an interest in the question.

70. Mr. SHAHI urged the members of the Committee to stop discussing hypothetical situations such as the possible absence of a reply from Mexico, and to apply themselves to the draft text of the letter that was being envisaged, without endlessly anticipating events.

71. The CHAIRMAN proposed that he should draft a letter along the lines suggested by Mr. Aboul-Nasr and Mr. van Boven, and should submit the text to the members of the Committee so that they could comment on it, even if only unofficially.

72. The proposal was approved.

73. Mr. DIACONU proposed that the procedure adopted for Mexico should also be followed in the case of Algeria.

74. Mr. van BOVEN said he could not accept that there was a parallel between the situation in Mexico and that prevailing in Algeria. The latter was characterized by daily killings, which justified the Committee in dealing with it as a matter of urgency.

The meeting rose at 6.05 p.m.